

# ZONING BOARD OF ADJUSTMENT VA07-5 CASE REPORT

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## REQUEST FOR VARIANCE

A variance to Sections 11-200 and 15-400 of the Zoning Ordinance to allow a building encroachment into the required rear building setback and a reduction in the minimum off-street parking standards for a new retail building.

## LOCATION:

Mapsco Page – 110B

West of South Cooper Street and north of Fannin Drive with the approximate address being 6018 South Cooper Street.

Council District 2 Southwest Planning Sector

CURRENT ZONING: "CS" (Community Service)

CURRENT USE: Undeveloped

STATED HARDSHIP: Letter attached.

PLAT INFORMATION: Lot 13AR, Matthew Maise Addition

APPLICANT: Van Hoang PHONE: 817.703.7575

OWNER: Van Hoang

ZBA HEARING DATE: October 15, 2007; continued to November 12, 2007

## ANALYSIS:

### Update

The Zoning Board of Adjustment continued this item to the November 12, 2007, meeting, and requested additional information. A summary of the information follows.

*Zoning history:* The car wash property, which includes the property at 6018 S Cooper, was rezoned from "A" to "LB" on November 14, 1986. At that time, the adjacent residential area (Hunter's Creek) was undeveloped and zoned "A". The Hunter's Creek subdivision was rezoned from "A" to "R" on December 19, 1994, and the final plat recorded on August 17, 1995. The "LB" district generally became the "CS" district when the new zoning ordinance was adopted in 1994.

*Platting:* Lots 13A and 13B (the present configuration of the lots) were created by replat recorded in November 1986. The original Lot 13 appears to have been platted in October 1985.

*Building construction:* The car wash building and drying shed/vacuum area were permitted for construction in December 1985. The buildings are in the original constructed locations. The use was an allowed use under the "LB" regulations at the time of construction. The car wash was built prior to the development of the adjacent residential subdivision.

*Transitional landscape buffers:* The requirement for transitional landscape buffers was adopted by ordinance on March 28, 1995. This requirement was not in effect when the car wash site was developed.

*Site photos:* Additional photos of the site are included with the agenda packet.

### Analysis from October 15, 2007 hearing

The property owner of the 9,191-square foot subject site desires to construct a 2,670 square foot retail building on the site. The property is zoned "CS" Community Service, and has frontage on South Cooper Street. The abutting property on the west side, which is the rear of the lot, is zoned "R" Residential. Since the adjacent property is zoned Residential, the commercial lot will require a 30-foot building setback and transitional landscape buffer on the rear of the lot. The owner is seeking a variance to Sections 11-200 and 15-400 of the Zoning Ordinance to allow the building to encroach into the required rear building setback and to reduce the number of parking spaces required for the new retail building.

The applicant is requesting a reduction in the number of parking spaces required by the ordinance. As retail buildings require three parking spaces per 1,000 square feet of floor area, the proposed 2,670-square foot building would require a minimum of 8.01 parking spaces. Rules of interpretation for parking standards require that any fractional space be counted up to the whole space. As such, the building is required to have nine parking spaces.

The applicant also proposes a 20-foot rear setback for the building, which would be an encroachment of 10 feet into the required rear setback of 30 feet. The north side of the lot, where the building would be located, is approximately 91 feet deep. There is a ten-foot building setback on the front of the lot that faces South Cooper Street.

The site requires a 30-foot transitional landscape buffer on the west side. If the request is granted, the applicant must also request approval of a substitute landscape plan by the Planning and Zoning Commission. Approval of the substitute landscape plan is required to allow the building and parking areas to be located within the 30-foot buffer, as building footprints and parking areas are not permitted in transitional landscape buffer yards.

In summary, the applicant is requesting two variances on the property for the proposed development:

- One space reduction in the number of required parking spaces.
- Ten-foot encroachment of the building into the rear building setback.

#### CONCLUSION:

The applicant is requesting a variance to allow a building to encroach into the required rear building setback and to reduce the number of required parking spaces for the building. Granting of this variance should be based on the finding of a hardship that is neither self-imposed nor financial.

Property Owner Notices Mailed: 23  
Letters of Support Received: ---  
Letters of Opposition Received: ---

#### ATTACHMENTS:

Location Map  
Photos